

REMARKS

This Amendment is being filed in response to the Office Action mailed on March 4, 2009 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 remain in this application, where claims 12-13 have been added by the present amendment. Claims 1 and 12 are independent.

In the Office Action, claims 1-4 and 8-10 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,526,019 (Yoshimoto) in view of U.S. Patent No. 5,661,703 (Moribe). Claims 5-6 are rejected under 35 U.S.C. §103(a) over Yoshimoto in view of Moribe and U.S. Patent No. 6,125,089 (Shigemori). Further, claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Moribe in view of Shigemori and U.S. Patent No. 7,280,461 (Endoh). Claim 11 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshimoto in view of Moribe and U.S. Patent

Application Publication No. 2004/0044567 (Willis). Applicants respectfully traverse and submit that claims 1-13, as amended, are patentable over Yoshimoto, Moribe, Shigemori, Endoh and Willis for at least the following reasons.

Yoshimoto is directed to an optical disk with two sides for recording data and at least one recording area for each side. Each recording area is associated with an attribute which designates whether the corresponding recording area is an area which permits rewriting or an area which does not permit rewriting. Data representing the attribute for the at least one recording area of each side is recorded in a structure management table provided in a predetermined part of the disk of each side. It is respectfully submitted that Yoshimoto does not disclose or suggest a first area being defined as a read-only area by type information recorded on said data carrier in an unerasable way in a type area which is different from said first area," as recited in independent claim 1, and similarly recited in independent claim 12. (Illustrative emphasis provided)

A disc having a type area which is different from a first

area, where the type area includes type information that defines the first area as a read-only area, is nowhere disclosed or suggested in Yoshimoto. Rather, Yoshimoto discloses that data representing the attribute for a recording area is recorded in a structure management table provided in a predetermined part of the disk. There is no indication or suggestion that this predetermined part of the Yoshimoto disc is different from other recording areas, let alone being different from a read-only area defined by the attribute.

Assuming, arguendo, that Yoshimoto discloses or suggests that data representing the attribute is recorded in a different area that a read-only area defined by the attribute, as correctly noted on page 2 of the Office Action, last two lines, Yoshimoto does not disclose or suggest the "type information recorded on said data carrier in an unerasable way," as recited in independent claim 1, and similarly recited in independent claim 12. Moribe is cited in an attempt to remedy the deficiencies in Yoshimoto.

Moribe is directed to an optical recording medium in which a medium identification code is recorded by using a nonvolatile mark

which is formed through irreversible change of a recording film. Recording and reproducing programs reproduce the medium identification code, and encode/decode data based on the reproduced medium identification code.

It is respectfully submitted that the Moribe medium identification code is NOT type information that defines an area as a read-only area. Rather, the Moribe medium identification code is used to encode/decode data.

It is respectfully submitted that Yoshimoto, Moribe, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 1 and similarly recited in independent claim 12 which, amongst other patentable elements, recites (illustrative emphasis provided):

said first area being defined as a read-only area by type information recorded on said data carrier in an unerasable way in a type area which is different from said first area.

A disc including type information recorded in an unerasable way in a type area which is different from a first area defined as a read-only area by the type information, is nowhere disclosed or suggested in Yoshimoto and Moribe, alone or in combination. At

best, the combination of Yoshimoto and Moribe merely discloses a disc where data representing the attribute for a recording area of each side is recorded in a management table provided in a predetermined part of the disk, and medium identification code recorded by using a nonvolatile mark and used to encode/decode data.

Further, Yoshimoto, Moribe, and combination thereof do not disclose or suggest that "after the act of writing recording, in a type area in an unerasable way, type information that defines the first area as a read-only area; wherein the type area is different from the first area," as recited in independent claim 12.

(Illustrative emphasis provided)

Shigemori, Endoh and Willis are cited to allegedly show other features and do not remedy the deficiencies in Yoshimoto and Moribe.

Accordingly, it is respectfully submitted that independent claims 1 and 12 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-11 and 13 are also allowable at least based on their

dependence from amended independent claims 1 and 12, as well as for the separately patentable elements contained in each of the claims.

For example, amended claim 3 recites that the first area is nearer to a central part of the data carrier than the second area, and is for recording content by a manufacturer of the data carrier, and that the second area is for recording data by a user of the data carrier. These features are nowhere disclosed or suggested in Yoshimoto, Moribe, Shigemori, Endoh, Willis, and combinations thereof.

Further, claim 11 recites that "content of the read-only area includes an advertisement." On page 11, it is alleged that paragraph [0052] of Willis discloses this feature. While it is true that Willis discloses advertisement stored on a read-only memory, along with a game, the Willis read-only memory does not have three areas, namely, first and second areas comprising a rewritable material, and a type area which is different from the first area and includes type information that define the first area as a read-only area.

Further, Yoshimoto, Moribe, Shigemori, Endoh, Willis, and

combinations thereof, do not disclose or suggest that "the recording act is performed by adding the type information in a wobble, and printing a wobbled groove on the data carrier including the wobble," as recited in claim 13.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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